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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,698	06/27/2003	M. Benton Free	58399US002	7675

32692 7590 06/28/2006

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER

PARKER, FREDERICK JOHN

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,698

Applicant(s)

FREE ET AL.

Examiner

Frederick J. Parker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5-15-06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Request for Reconsideration

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-2,4,9-10,12-15,17-18,23-25,28 are rejected under 35 U.S.C. 102(b) as being anticipated by Fleming US 5209815.

Fleming is cited for the same reasons previously discussed, which are incorporated herein.

Applicants reiterate the Examiner's rejection and argue (1) Applicants apply a polymer which "can provide a partly coated substrate" (emphasis added), (2) Applicants assert Fleming applies by spin coating a release polymer 50 "over all of their substrate 10", (3) Applicants speculate the "scalloped" borders of the coatings in the drawings of Fleming suggest portions of the release layer are broken away and provide magnified portions of the drawings, (4) Applicants assert Fleming does not apply the release layer to a portion of the substrate in a desired pattern.

In response, the Examiner responds to each argument as follows:

To (1), the Examiner points out that Applicants' argument makes a point of citing the polymer "can provide a partly coated substrate", reasonably indicating that even Applicants recognize that release coatings applied to most or all of the substrate is permissible since a partly coated substrate is only one possibility by virtue of the word "can".

To (2) Applicants note Fleming uses spin coating to apply the release coat, as does Applicants, Spec. page 6, line 15 for the same purpose. Applicants further teach, for example, dip coating and roll coating, which are conventionally used for continuous coatings, further indicating

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applying release coatings over all of a substrate is permissible, contrary to Applicants' assertions.

To (3), Applicants arguments regarding the "scalloped" ends of the magnified figures are not convincing. Figures are merely by way of illustration, are not to scale, and there is nothing in Fleming to support Applicants' suppositions. Such ends could just as well be artistic license or interpretation, reproduction artifacts, etc. In fact, a careful reading of Fleming indicates the reference **never limits the release coating to any specific pattern or coverage**.

To (4), Fleming does not **limit the release coating to any specific pattern or coverage of the coating**, and applies the release coating using the same means as Applicants, so that the skilled artisan would have reasonably expected similar outcomes. The Examiner further points out that in the claims, the release layer is applied "in a desired pattern" without definition in the claims or Specification that this must be linear/ non-uniform/ circular/ or any other specific or intended meaning. Thus any visual arrangement of the coating is permissible by Applicants' claims including those of Fleming.

Applicants arguments are not persuasive and the rejection is maintained.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 5-8,11,19-22,27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming.

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Fleming is cited for the same reasons previously discussed, which are incorporated herein and as above. Since those arguments are not persuasive, neither would be those related to the claims rejected under this heading.

4. Claims 3,16,26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming in view of Laubacher et al US 5759625.

Fleming and Laubacher are cited for the same reasons previously discussed, which are incorporated herein and as above.

Applicants argue the combination of references does not lead to applying the release layer to a portion of the substrate in a desired pattern. This argument is superfluous since Laubacher was introduced to illustrate the utility of fluoropolymers as release coating materials, a point not contested by Applicants. Consequently Applicants arguments are not persuasive and the rejection is maintained.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,


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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick J. Parker whose telephone number is 571/ 272-1426. The examiner can normally be reached on Mon-Thur. 6:15am -3:45pm, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571/272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Frederick J. Parker
Primary Examiner
Art Unit 1762

fjp